

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

LaFLAMME PAINTING, LLC	)	Civil Action No: <u>2:21-cv-3481-RMG</u>
	)	(Court of Common Pleas for Charleston
	)	County C.A. No.: 2021-CP-10004335)
Plaintiff,	)	
	)	
v.	)	<b>DEFENDANT’S NOTICE</b>
	)	<b>OF REMOVAL</b>
UNITED STATES LIABILITY	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	
	)	

Defendant United States Liability Insurance Company (“USLIC”), pursuant to 28 U.S.C. §§ 1441 and 1446, gives notice of the removal of the above-captioned matter from the Court of Common Pleas for the County of Charleston, South Carolina, to this Court. In support thereof, USLIC states:

Plaintiff filed this action on September 20, 2021, in the Court of Common Pleas for Charleston County, South Carolina, case number 2021-CP-1004335. (See Complaint, attached hereto as Ex. A.) Plaintiff served USLIC with a copy of the Complaint on September 22, 2021. Accordingly, this notice of removal is filed within the time period authorized by 28 U.S.C. § 1446 (b). Venue lies in this Court under 28 U.S.C. § 1441 (a) and 28 U.S.C. § 121 (10) because the state court in which this action was filed is within Charleston County, South Carolina.

The complaint alleges a right to proceeds under an insurance policy purportedly issued by USLIC, which is a Pennsylvania corporation with its principal place of business in Pennsylvania, and is therefore a citizen of Pennsylvania. (See generally Pl.’s Compl.) Plaintiff is a South Carolina Limited Liability Company with two members, Janet LaFlamme and Steven LaFlamme, both of whom reside in, and are citizens of, South Carolina. Plaintiff alleges that it

is entitled to the insurance coverage proceeds from a policy allegedly issued by USLIC for alleged damages sought against Plaintiff in an underlying action styled *Toler's HOA, Inc. v. Hill Const. Corp. of Charleston*, Case Number 2018-CP-102983, currently pending in the Charleston County Court of Common Pleas. (*Id.* at ¶ 7). The limits of the policy issued by USLIC exceed \$75,000, although USLIC denies that it issued the specific policy alleged in the complaint and denies that it is the successor in interest to Markel Southwest Underwriters or Companion Property & Casualty Ins. Co. Accordingly, this Court has original jurisdiction of this case under 28 U.S.C. § 1332(a) because it is between citizens of different states, and the matter in controversy exceeds \$75,000.

Copies of the summons and complaint in the Charleston County action are attached as Exhibit A in accordance with 28 U.S.C. § 1446 (a). Copies of this Notice of Removal have been served upon all adverse parties via their counsel and filed with the Clerk of the Court of Common Pleas for Charleston County, South Carolina.

WEINBERG WHEELER HUDGINS GUNN & DIAL, LLC

By: /s/ John C. Bonnie  
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*Attorneys for Defendant United States Liability Insurance Company*

October 22, 2021  
 Atlanta, Georgia

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 22nd day of October, 2021 served a true and correct copy of the foregoing pleading upon the following by filing with the Court's CM/ECF system, which will automatically deliver electronic notification of same to:

William B. Jung, Esq.  
1156 Bowman Road, Suite 200  
Charleston, South Carolina 29464  
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/s/ John C. Bonnie  
John C. Bonnie (District Court Id. No. 9311)  
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